

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Taking forward nuclear disarmament

**Working paper submitted by Ireland on behalf of Brazil, Egypt,
Mexico, New Zealand and South Africa, as members of the New
Agenda Coalition**

Introduction

1. In 1998, the founding Ministers of the New Agenda Coalition unanimously concluded that “the proposition that nuclear weapons can be retained in perpetuity and never used — accidentally or by decision — defies credibility. The only complete defence is the elimination of nuclear weapons and assurance that they will never be produced again”.

2. It is a matter of deep regret that, almost 20 years later, some States continue to plan for the indefinite possession of nuclear weapons and to justify the continued retention of nuclear weapons on the basis of asserted security concerns. Such attempts not only undermine the grand bargain and credibility of the Treaty on the Non-Proliferation of Nuclear Weapons, but may also encourage proliferation.

3. The New Agenda Coalition considers that the current global security situation, far from serving as an excuse for lack of progress, reinforces the need for urgent action on nuclear disarmament. The failure of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to achieve consensus on an outcome document puts into stark relief the need for progress as well as the responsibility of all States parties to the Treaty to prevent such a profoundly disappointing result from being repeated. It is our common duty to make all efforts to ensure that the 2020 Review Conference delivers a concrete and meaningful outcome.

4. As we look to move forward in a determined, concerted and effective manner towards the full implementation of the Treaty, it is imperative that we build on what we have learned during previous review cycles.



i. The slow pace of nuclear disarmament is undermining the credibility of the Non-Proliferation Treaty

5. Despite the unanimous recognition of the devastation that would be cast upon all mankind by a nuclear war, as reflected, *inter alia*, in the preamble of the Treaty, progress on nuclear disarmament over the past decades has been unacceptably slow and the implementation of the nuclear disarmament pillar of the Treaty has yet to be achieved.

6. The New Agenda Coalition recalls article VI of the Treaty, which stipulates an obligation to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. In its 1996 advisory opinion, the International Court of Justice confirmed that this provision establishes not merely an obligation of conduct, but one of result, when it unanimously concluded that "there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under effective international control". The New Agenda Coalition recalls that article VI is binding upon all States parties to the Treaty. We note that the pursuit of complementary initiatives in parallel forums may support but cannot replace progress within the Treaty.

7. At the 1995 Review and Extension Conference, the decision was taken unanimously to extend the Treaty indefinitely so that the obligations assumed under it, including article VI, could continue in force. However, 47 years after the entry into force of the Treaty, in the lead-up to the twenty-fifth anniversary of the indefinite extension of the Treaty, article VI remains unfulfilled.

8. The 2000 Review Conference agreed on a series of 13 practical steps for systematic and progressive efforts to implement article VI of the Non-Proliferation Treaty and paragraphs 3 and 4 (c) of the 1995 decision on "Principles and objectives for nuclear non-proliferation and disarmament", including the entry into force of the Comprehensive Nuclear-Test-Ban Treaty; the adoption of a programme of work and the commencement of negotiations on a treaty banning the production of fissile material in the Conference on Disarmament; an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament; and diminishing the role of nuclear weapons in security policies. To date, these 13 steps remain largely unfulfilled.

9. The 2010 Review Conference noted "the reaffirmation by the nuclear-weapon States of their unequivocal undertaking to accomplish, in accordance with the principle of irreversibility, the total elimination of their nuclear arsenals leading to nuclear disarmament". The Conference agreed on a 64-point action plan across all pillars of the Non-Proliferation Treaty, as part of which the nuclear-weapon States committed "to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference", including by "rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons". However, progress on the above-mentioned steps has been limited and slow. Moreover, the "unequivocal" nature of this undertaking by the nuclear-weapon States is undermined by subsequent claims by some nuclear-weapon States that they have reached the limits of their minimum credible nuclear

deterrence requirements and therefore cannot reduce their nuclear arsenals further in current circumstances.

10. The urgency and importance of achieving the universality of the Treaty was reiterated in 2010, and States parties were called upon to make all efforts to promote universal adherence and not to undertake any actions that could negatively affect this goal. No progress has been made in this regard.

11. The resolution on the Middle East, adopted at the 1995 Review and Extension Conference, provided for the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction. The 2010 Review Conference mandated States parties to the Treaty to convene a conference for the establishment of such a zone; however, efforts to implement this commitment failed in 2012. Five years later, the 2015 Review Conference failed to reach agreement on an outcome document that would initiate the process to implement the 1995 resolution on the Middle East. The decision to extend the Treaty indefinitely was made possible only through a negotiated package of texts, which included the resolution on the Middle East. The New Agenda Coalition wishes to recall that this resolution remains valid until fully implemented.

12. The New Agenda Coalition recalls that all States parties should be held fully accountable with respect to strict compliance with their obligations under the Treaty, as well as with all decisions, resolutions and commitments made at the 1995, 2000 and 2010 Review Conferences. The New Agenda Coalition further recalls the commitment of all States parties, and in particular the nuclear-weapon States, to applying the principles of irreversibility, verifiability and transparency in relation to the implementation of their Treaty obligations.

13. The New Agenda Coalition wishes to stress that it is past time for these commitments, freely entered into and reaffirmed at successive Review Conferences, finally to be met. The New Agenda Coalition believes that accountability can be strengthened through enhanced transparency and measurability of the implementation of nuclear disarmament obligations and commitments, and that progress in these fields would help to restore the credibility of the Treaty and build confidence in the disarmament process. This Preparatory Committee is an opportunity for all States parties, and particularly the nuclear-weapon States, to demonstrate their commitment to the full implementation of the Treaty.

ii. The risk of a nuclear weapon detonation is increasing

14. In the light of the lack of implementation of nuclear disarmament obligations and of the increasing risks posed by the continued existence of nuclear weapons, the need for progress is growing.

15. Risk is calculated through the use of matrices combining the range of potential consequences with the best estimates of probabilities. It is often argued by the nuclear-weapon States that the risk of an intentional nuclear detonation is minimal because its probability is very low, despite general acknowledgement of the devastating consequences such a detonation would have. However, in the light of the fragile international security environment, increased tensions in bilateral relations and a renewed tide of modernization and qualitative improvement of

nuclear arsenals, the probability that a conventional conflict may escalate into a nuclear one is once again growing.

16. Leaving aside the risk from deliberate use of nuclear weapons and risks from non-State actors gaining access to them, another deeply worrying possibility, which was highlighted in the context of the Conferences on the Humanitarian Impact of Nuclear Weapons, was the hitherto little-understood risk of accidental or mistaken detonation.

17. Another worrying aspect is the vulnerability of the technology used in nuclear weapons systems to cyberattacks, with serious implications for the probability of a nuclear detonation.

18. Numerous reported failures relating to ballistic missile tests also clearly demonstrate the risk inherent in nuclear weapons systems.

iii. Increased awareness of the catastrophic humanitarian consequences of a nuclear weapon detonation is a key driver for more urgent progress in nuclear disarmament

19. The New Agenda Coalition recalls that the 2010 Review Conference expressed its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirmed the need for all States at all times to comply with applicable international law, including international humanitarian law. Since then, the body of expert research and contributions presented at the three Conferences on the Humanitarian Impact of Nuclear Weapons, hosted by the Governments of Norway, Mexico and Austria, as well as to the open-ended working groups on nuclear disarmament in 2013 and 2016, have significantly added to our knowledge and understanding of the grave impact any nuclear weapons use, accidental or deliberate, would have for humanity and for the planet.

20. Beyond the immediate indiscriminate and large-scale human suffering any detonation in an urban setting would cause — against which, as confirmed by the International Committee of the Red Cross, the international community has no adequate response capacity — lie the wider and broader impacts of the smoke and radiation released by such a detonation. It is essential to raise awareness, particularly in nuclear-weapon States and in States hosting nuclear weapons, of what it is that is being threatened when leaders talk of “regional”, “targeted”, “tactical” or “limited” nuclear weapons use. What we are talking about is catastrophic and indiscriminate humanitarian harm with long-term consequences that are transboundary and global. There is no such thing as a “limited” or “regional” nuclear strike.

21. In addition to the grave, long-term and well-known problems that arise from excessive nuclear radiation for the environment and for humanity as a whole, the New Agenda Coalition would like to highlight the compelling evidence presented to the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, and subsequently on the margins of the 2015 Review Conference, on the gendered and disproportionate impact of nuclear weapons on women and girls.

iv. Obstacles to progress

22. The New Agenda Coalition is deeply concerned by the clear evidence of increasing challenges to the norm against the threat of use of nuclear weapons, as well as by recent developments in nuclear-weapon States aimed at modernizing and qualitatively improving these weapons, thus contributing to the renewed nuclear arms race. These developments, together with the failure to remove from high alert status operational nuclear weapons as a means of reducing nuclear tensions, call into question the unequivocal undertaking of nuclear-weapon States to accomplish the total and irreversible elimination of their nuclear arsenals.

23. The New Agenda Coalition urges all States parties to the Treaty to work together with a view to achieving a strong and united outcome in 2020, marking 50 years since the Treaty entered into force, which will reflect the urgency and significance of the issues addressed in the present paper and will reinforce the Treaty as a key source of nuclear disarmament obligations.

Conclusions and recommendations for the 2020 review cycle

24. The New Agenda Coalition reiterates the need for urgent action to be taken to accelerate the implementation of all nuclear disarmament obligations under the Treaty, as well as all commitments and undertakings entered into at the 1995, 2000 and 2010 Review Conferences. The continued existence of nuclear weapons and the threat of their proliferation 47 years after the entry into force of the Treaty contradicts commitments made under the Treaty. The nuclear-weapon States must, without further delay, fulfil their obligations flowing from article VI.

25. The New Agenda Coalition reiterates its commitment to the application of the nuclear disarmament principles of irreversibility, verifiability and transparency. For their adequate application, further progress is needed on the development of technical approaches, supplemented by appropriate legally binding measures, in the context of the implementation by the nuclear-weapon States of agreements concerning nuclear weapon reductions.

26. While acknowledging that the total elimination of nuclear weapons in a transparent, verifiable and irreversible manner will take time, the 2020 review cycle should explore options for strengthening accountability through enhanced transparency and measurability of the implementation of nuclear disarmament obligations and commitments.

27. As an interim step, the New Agenda Coalition urges nuclear-weapon States to remove operational nuclear weapons from high alert status and to put in place, as a matter of urgency, appropriate legal and procedural safeguards aimed at reducing the risk of a nuclear detonation.

28. The New Agenda Coalition reiterates the need for urgent action to fully implement the 1995 resolution on the Middle East for the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction. All States parties to the Treaty, particularly the nuclear-weapon States, are called upon to take all the necessary measures to fully implement it without further delay.

29. The New Agenda Coalition reaffirms that current modernization programmes are incompatible with both the letter and the spirit of the Treaty, and recommends that such programmes be halted immediately.
30. The New Agenda Coalition recommends that all nuclear-weapon States and those that rely on nuclear weapons in their security postures take measures to diminish the role of nuclear weapons in their military doctrines and calls upon such States to include in their regular reporting details progress towards this end.
31. The New Agenda Coalition recommends that measures be taken to increase awareness among civil society of the risks and the catastrophic impact of any nuclear detonation, including through disarmament education.
32. The New Agenda Coalition would like to see the new information and awareness that has emerged with regard to the catastrophic humanitarian consequences of nuclear weapons, including the disproportionate gendered impact of ionizing radiation, and associated risks reflected in the work of the 2020 review cycle.
33. The 2020 review cycle must take forward efforts to identify, elaborate and negotiate effective legal measures for nuclear disarmament. In this respect, the New Agenda Coalition welcomes the United Nations conference, convened pursuant to General Assembly resolution 71/258, to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, as an effective measure contributing to the implementation of article VI.
34. States parties to the Treaty should take into account that failure to fulfil agreements and undertakings reached at successive Review Conferences diminishes the credibility of the Treaty and may pose a threat to the long-term sustainability of the nuclear disarmament and non-proliferation regime. All States parties to the Treaty must pursue the full implementation of article VI without delay.